APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/724,728	12/02/2003	Terry M. Martin	200209048-1	2184

22879   7590   05/15/2007
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EXAMINER
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ART UNIT	PAPER NUMBER
2191	

MAIL DATE	DELIVERY MODE
05/15/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

		Application No.	Applicant(s)
Office Action Summary		10/724,728	MARTIN ET AL.
		Examiner	Art Unit
		Phillip H. Nguyen	2191

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 February 2007*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-31* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *20060203*.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

DETAILED ACTION

1.   This action is in response to the amendment filed on 2/21/2007.

2.   Per Applicant's request, Claims 1, 13, 25 and 31 are being amended.

3.   Claims 1-31 remain pending and have been considered below.

Response to Arguments

4.   Applicant's arguments with respect to claims 1-31 have been considered but are

moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 101

5.   The amendment filed on 2/21/2007 is not persuasive to overcome the rejection

set forth to claims 13-24 of previous action. Therefore, Examiner maintains the

rejection. To overcome this rejection, Applicant is suggested to change a computer

readable medium to a storage device.

6.   Claims 13-24 are rejected under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject matter. These claims are directed to a computer

readable medium, which is disclosed as network communication such as hardwired,

wireless or a combination of hardwired or wireless. Applicant's specification provides

intrinsic evidence that the computer readable medium is intended to cover network

communication connection (see paragraph 18) which can embody "carrier wave", such

are currently not believed to enable the computer readable medium to act as a

computer hardware component and realized its functionality absent being claimed in

combination with the necessary hardware component to receive and convert the signals

to program code.

Claim Rejections - 35 USC § 102

7.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8.   Claim 1-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Hall et al.

(United States Patent No.: US 7,151,438 B1).

As per claim 1:

Hall discloses:

-   Correlating business level objects to application level objects (see at least **FIG. 1**;

    also see at least **FIGS. 5-16**; also see at least col. 15, line 2-7 **"displays an**

    industry selection screen 110 comprises a number of icons..." line 23-26

    "after selecting the airline industry icon 112 from industry selection screen

    110, the industry home screen 120 will be displayed...");

- Associating and storing source data with indications for both the business level objects and the application level objects (see **FIGS. 5-16 and texts for further expanding their features**);

- Displaying the stored data associated with both business level objects and the application level (see at least **FIGS. 5-16 and texts for further expanding their features**);

- Wherein the business level objects and the application level objects are respectively stored and displayed on a display as a plurality of nodes at different levels of abstraction, with correlations between the application level objects and the business level objects being accomplished by linking one or more nodes of the application level objects to one or more nodes of the business level objects at different levels of abstraction (see **FIGS. 5-16 and texts for further expanding their features**); and

- Wherein the source data is linked to one or more of the plurality of nodes (see at least col. 7, line 30-34 "**EAI service layer 30 links all of the enterprise's applications, links all of enterprise's databases, and channels the enterprise data, which is typically stored in a variety of data sources throughout the enterprise, into a specific database for analysis**").

As per claim 2:

Hall discloses:

- Correlating objects at two or more levels of abstraction, wherein the business level objects corresponds to one level of abstraction and the application level objects corresponds to another level of abstraction (see at least **FIGS. 5-16 and texts for further expanding their features**).

As per claim 3:

Hall discloses:

- The application level objects are further correlated application component level objects at another level of abstraction (see at least **FIGS 5-16 and texts for further expanding their features**).

As per claim 4:

Hall discloses:

- The source data comprises application related data and operational data (see at least col. 8, line 17 **"operational data and information that is used to age daily business operations"**).

As per claim 5:

Hall discloses:

- The application related data comprises data correlated to components of the

  application level objects (see at least col. 10, line 48-52 "**the orthogonal drill**

  logic and database access component 50 provides the functionality for

  drilling down into an enterprise data source from the root of the primary

  critical business datum or KPI...").

As per claim 6:

Hall discloses:

- The data correlated to the application level components comprises data collected

  by an application conversation tracking tool or a custom designed

  instrumentation for measuring related data (see at least col. 10, line 48-52 "**the**

  orthogonal drill logic and database access component 50 provides the

  functionality for drilling down into an enterprise data source from the root

  of the primary critical business datum or KPI...").

As per claim 7:

Hall discloses:

- The operational data comprises web session data or server related data (see at

  least col. 6, line 42 "**application server (e.g., WebLogic or Web-Sphere)**").

As per claim 8:

Hall discloses:

- wherein the web session data comprises response times for web based interactions (see at least col. 18, line 9-10 "**allows the user to more quickly access and assess the affected critical business metric**") and the server related data comprises server load data (see at least col. 13, line 34 "**Extract, Transformation & Load (ETL) tool**").

As per claim 9:

Hall discloses:

- wherein the response times for web based interactions are correlated to application component level objects, application level objects, and business level objects (see at least col. 18, line 7-10 "**web application 52 can push an alert to the mobile device 342 at any time...allows the user to more quickly access and assess the affected critical business metric**").

As per claim 10:

Hall discloses:

- Filtering and/or aggregating the stored data responsive to a user's query (see at least col. 9, line 6-11 "**queries data from a summary row and navigates through a hierarchy of data to reach the detail-level rows...to view summarized or aggregated data...**").

As per claim 11:

Hall discloses:

- Automatically generating alerts or reports based on predetermined criteria (see at least col. 18, line 7-10 **"web application 52 can push an alert to the mobile device 342 at any time...allows the user to more quickly access and assess the affected critical business metric"**);

- Displaying, on a first display screen, one or more of the business level objects as connected links (see at least **FIG. 5 and texts for further expanding their features**); and

- Displaying, as connected links on a second display screen when one of the connected links on the first display screen is selected by a user, one or more of the application level objects that are correlated with the one or more of the business level objects (see at least **FIGS. 5-16 and texts for further expanding their features**).

As per claim 12:

Hall discloses:

- displaying, as connected links on a third display screen when on of the connected links on the second display screen is selected by a user, one or more of a lower level of application level objects that are correlated with the one or more of the application level objects displayed on the second display screen (see at least **FIGS. 5-16 and texts for further expanding their features**).

As per claims 13-24:

- computer readable medium claims, recite the same limitations as recited in
  claims 1-12, respectively, and therefore, have been addressed in connection with
  the rejection set forth to claims 1-12 respectively.

As per claim 25:

Hall discloses:

- A model repository (see at least FIG. 3; also see at least col. 14, line 22-25
  **"Analytics service layer 40 is preferably a data warehouse (i.e., a central
  repository for all or significant parts of the data that an enterprise's various
  business system collect..."**) that stores business level objects at one level of
  abstraction correlated to application level objects at another level of abstraction
  (see at least **FIG. 1**; also see at least **FIGS 5-16**; also see at least col. 15, line 2-
  7 **"displays an industry selection screen 110 comprises a number of
  icons..."** line 23-26 **"after selecting the airline industry icon 112 from
  industry selection screen 110, the industry home screen 120 will be
  displayed..."**);

- A data conversion/storage unit (see at least col. 14, line 20 **"RDBMS 94"** –
  Relational Database Management System) that associates and stores source
  data with indications for both the business level objects and the application level
  objects (see **FIGS 5-16 and texts for further expanding their features**);

- A displaying unit that displays the stored data associated with both the business level objects and the application level objects (see at least **FIGS 5-16 and texts for further expanding their features**);

- Wherein the business level objects and the application level objects are respectively stored and displayed on a display as a plurality of nodes at different levels of abstraction, with correlations between the application level objects and the business level objects being accomplished by linking one or more nodes of the application level objects to one or more nodes of the business level objects at different levels of abstraction (see **FIGS 5-16 and texts for further expanding their features**); and

- Wherein the source data is linked to one or more of the plurality of nodes (see at least col. 7, line 30-34 "**EAI service layer 30 links all of the enterprise's applications, links all of enterprise's databases, and channels the enterprise data, which is typically stored in a variety of data sources throughout the enterprise, into a specific database for analysis**").

As per claim 26:

Hall discloses:

- Wherein the model repository further stores application component level objects at another level of abstraction that are correlated to the application level objects (see at least **FIGS. 5-16 and texts for further expanding their features**).

As per claim 27:

Hall discloses:

- Application related data and operational data (see at least col. 8, line 17

  **"operational data and information that is used to age daily business

  operations"**).

As per claim 28:

Hall discloses:

- Data collected by an application conversation tracking tool or instrumentation

  from an application server and the operational data comprises we session related

  data collected from a web server or other server related data (see at least col.

  10, line 48-52 **"the orthogonal drill logic and database access component 50

  provides the functionality for drilling down into an enterprise data source

  from the root of the primary critical business datum or KPI..."**).

As per claim 29:

Hall discloses:

- A configuration unit for displaying the stored data associated with both the

  business level objects and the application level objects by filtering and/or

  aggregating the stored data responsive to a user's query (see at least col. 9, line

  6-11 **"queries data from a summary row and navigates through a hierarchy**

of data to reach the detail-level rows...to view summarized or aggregated data...").

As per claim 30:

Hall discloses:

- Logic for displaying stored data associated with both business level objects and the application level objects automatically as alerts or reports based on predetermined criteria (see at least col. 18, line 7-10 **"web application 52 can push an alert to the mobile device 342 at any time...allows the user to more quickly access and assess the affected critical business metric").**

As per claim 31:

Hall discloses:

- Means for correlating business level objects to application level objects (see at least **FIG. 1**; also see at least **FIGS 5-16**; also see at least col. 15, line 2-7 **"displays an industry selection screen 110 comprises a number of icons..."** line 23-26 **"after selecting the airline industry icon 112 from industry selection screen 110, the industry home screen 120 will be displayed...");**

- .Means for associating and storing source data with both the business level objects and the application level objects (see **FIGS 5-16 and texts for further expanding their features);**

- Means for displaying the stored data associated with both the business level objects and the application level objects (see at least **FIGS 5-16 and texts for further expanding their features**);

- Wherein the business level objects and the application level objects are respectively stored as a plurality of nodes at different levels of abstraction, with correlations between the application level objects and the business level objects being accomplished by linking one or more nodes of the application level objects to one or more nodes of the business level objects at different levels of abstraction (see **FIGS 5-16 and texts for further expanding their features**); and

- Wherein the source data is linked to one or more of the plurality of nodes (see at least col. 7, line 30-34 "**EAI service layer 30 links all of the enterprise's applications, links all of enterprise's databases, and channels the enterprise data, which is typically stored in a variety of data sources throughout the enterprise, into a specific database for analysis**").

Conclusion

9.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Phillip H. Nguyen whose telephone number is (571)

270-1070. The examiner can normally be reached on Monday - Thursday 10:00 AM -
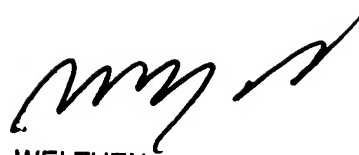
3:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Wei Y. Zhen can be reached on (571) 272-3708. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PN
5/3/2007

WEI ZHEN
SUPERVISORY PATENT EXAMINER